

FCC 64-1129
59956

EXPLANATION OF BILL TO AMEND THE COMMUNICATIONS ACT
OF 1934, AS AMENDED, TO CONFORM TO THE CONVENTION
FOR THE SAFETY OF LIFE AT SEA, LONDON (1960)

Upon the invitation of the Inter-Governmental Maritime Consultative Organization, a Conference was held in London during May and June 1960, a major purpose of which was the drafting of a Convention to replace the International Convention for the Safety of Life at Sea, signed in London in 1948. The Commission was represented at the Conference by Commissioner Robert T. Bartley, and by Curtis B. Plummer, Harold R. Woodyard and Duncan Peters of the Commission's staff.

As a result of its deliberations, the conference prepared and opened for signature and acceptance The International Convention for the Safety of Life at Sea, 1960, (SOLAS) to replace the International Convention for the Safety of Life at Sea, 1948.

Pursuant to Article XI of SOLAS, the Inter-Governmental Maritime Consultative Organization has informed all Governments which have signed or accepted the present Convention (including the United States) that it shall come into force on May 26, 1965.

Article I(b) of SOLAS requires, among other things, that the Contracting Governments undertake to promulgate all laws necessary to give the Convention full and complete effect. The Commission recommends that Congress implement the provisions of SOLAS by amending the Communications Act of 1934 as set forth in the attached proposal.

The major substantive changes recommended herein are: (1) the extension of the application of compulsory radio installation requirements to cargo ships as low as 300 gross tons (now 500 gross tons); (2) elimination of nuclear ships from the Commission's exemption authority; and (3) elimination of applicability of the compulsory radio requirements of Part II, Title III, of the Communications Act to vessels while they are navigating on the Great Lakes. An explanation of specific changes follows.

Section 1 of this proposal would amend the following subsections of section 3 of the Communications Act of 1934:

1. A definition of the term "nuclear ship" is added in subsection (w).
2. Subsection (x) is revised by substituting "radiotelegraph autoalarm" for "auto-alarm" wherever the latter term appears in this subsection. This differentiates it from the radiotelephone auto alarm and conforms the terminology of the Communications Act to that used in the SOLAS Convention. (See Regulations 2(b), 10, Chapter IV, SOLAS 1960).
3. Subsection (y) is revised editorially, and the phrase "country to which the ship belongs" is changed to read "country in which the ship is registered" in conformance with Convention usage.

4. A new subsection (z) has been added, defining the term "radio officer", in view of the adoption of that term in SOLAS 1960. (See Regulation 2(c), Chapter IV, SOLAS 1960). The present subsection (z) is redesignated "(aa)".
5. Present subsections (aa) through (dd) are redesignated "(bb)" through "(ee)", respectively, in order to conform to the new designation given the present subsection (z).
6. Present subsections (ee) and (ff) are deleted, inasmuch as the terms therein defined ("existing installation" and "new installation") have not been employed in Parts II and III of Title III of the Communications Act or in the Commission's Rules. Subsection (gg) is redesignated "(ff)".

Section 2 of this proposal amends section 351 of the Communications Act in the following respects:

1. The heading of that section is amended to read "Ship Radio Stations and Operations" to conform to SOLAS terminology.
2. Paragraph (1) of subsection (a) is amended as follows:
 - (i) The minimum gross tonnage of cargo vessels to which the compulsory radio requirements apply is lowered from 500 gross tons to 300 gross tons to conform to the Convention. (Regulations 3 and 4, Chapter IV, Regulation 12, Chapter V, SOLAS 1960).
 - (ii) The term "radio installation" is changed to "radio station" to conform to SOLAS terminology.

(iii) The term "radio officer" is used for clarification and in accordance with SOLAS terminology.

(iv) New subparagraphs "(i)" and "(ii)" are added to paragraph (1) of subsection (a). They require that all passenger ships, and all cargo ships of 1600 gross tons and upwards, be fitted with a radiotelegraph station, and permit cargo ships between 300 and 1600 gross tons the option of carrying a radiotelephone station. This clarifies existing law (sections 355 and 356 of the Communications Act), and reflects the new 300 gross ton exception provision of paragraph (1) of subsection (a).

3. Paragraph (2) of subsection (a) is clarified editorially.
4. The proviso clauses in paragraphs (1) and (2) of subsection (a) are deleted because they are no longer necessary.

Section 3 of this proposal would amend the following subsections of section 352 of the Communications Act:

1. Paragraph (6) of subsection (a) is amended by striking the words "on the Great Lakes".
2. Paragraphs (7) and (8) are added to except from the provisions of Part II, Title III, of the Act vessels navigating solely on the Great Lakes and the St. Lawrence River, and vessels which navigate both on the

Great Lakes and on the open sea while those vessels are on the Great Lakes. (Regulation 3(b), Chapter 1, and Regulation 1(b), Chapter IV, SOLAS 1960).

3. Subsection (b) is amended to except nuclear ships from the Commission's exemption authority. (Regulation 3, Chapter VIII, SOLAS 1960). Paragraph (1) thereof makes it clear that a passenger ship meeting one of the voyage patterns described in this subsection may be exempted from the requirements of Part II, Title III, of the Communications Act. (See, Western Trader, FCC 60-553).

4. A new subsection (d) is added to spell out the Commission's authority to grant exemption from radio direction finding apparatus requirements (in accordance with Regulation 12(b), Chapter V, SOLAS 1960, as regards ships subject to SOLAS). This amendment is considered necessary, inasmuch as the matter has heretofore not been specifically covered in the Communications Act, and the United States Coast Guard has informally raised the query as to which agency is responsible.

Section 4 of this proposal would amend section 353 in the following respects:

1. The heading is changed to read: "RADIO OFFICERS, WATCHES, AUTO ALARM, RADIOTELEGRAPH EQUIPPED SHIPS."
2. Since the SOLAS 1960 rectified previous ambiguity which existed in the SOLAS 1948 concerning the terms "installation" and "station", editorial clarifications have been made throughout this section by

replacing the terms "installation", "auto alarm", and "qualified operator" with the terms "station", "radiotelegraph auto alarm", and "radio officer".

3. Subsection (c) has been amended to include the phrase "while being navigated in the open sea outside of a harbor or port" in substitution for the present phrase "while being navigated outside a harbor or port". This change makes the language of subsection (c) of section 353 consistent with the phraseology of paragraph (1) of subsection (a) of section 351.
4. Subsection (c) has also been amended to provide that the continuous watch is to be maintained whenever the station is not being used for authorized traffic.

Section 5 of this proposal amends section 354 of the Communications Act to make editorial changes in subsection (a) and to change subsection (b) to require a continuous watch whenever the station is not used for authorized traffic.

(Regulation 7, Chapter IV, SOLAS 1960).

Section 6 of this proposal would amend section 355 in the following respects:

1. The heading of section 355 is amended to read:
"TECHNICAL REQUIREMENTS - RADIOTELEGRAPH EQUIPPED SHIPS"

2. New subsections (a) through (i) replace the present subsections (a) through (h) to conform to the technical requirements for radiotelegraph stations as set out in the following regulations found in Chapter IV, SOLAS 1960.

355(a): Regulations 9(a)(i) and 9(b);
355(b): Regulations 8(a) and 8(e);
355(c): Regulations 8(b) and 8(c);
355(d): Regulations 9(e) and 9(h);
355(e): Regulation 9(g);
355(f): Regulation 9(j);
355(g): Regulations 9(k) and 9(o);
355(h): Regulations 8(d) and 11(f);
355(i): Regulations 11(a) and 11(b).

Section 7 of this proposal amends section 356 of the Communications Act to conform to the technical requirements for radiotelephone equipped ships as set out in Regulation 4, Chapter IV, SOLAS 1960, and to the following provisions of that Chapter:

356(a): Regulations 14(a) and 14(b);
356(b): Regulations 15(b) and 15(f);
356(c): Regulation 15(c)(i); also
Section 356(c) is made consistent with
Section 355(e).
356(d): Regulation 15(i).

Section 8 of this proposal amends the heading and text of section 357 of the Communications Act by substituting "survival craft" in lieu of "lifeboat", to conform to the terminology used in Geneva 1959 and SOLAS 1960.

Section 9 of this proposal amends subsection (a) of section 359 of the Communications Act by making editorial amendments and by adding the requirement that the master of a ship of the United States equipped

with a radio transmitting apparatus which encounters sub-freezing air temperatures associated with gale force winds causing severe ice accretion on superstructures, or winds of force 10 or above on the Beaufort scale for which no storm warning has been received, shall make the necessary transmission as provided by that subsection. (Regulation 2(a), Chapter V, SOLAS 1960).

Section 10 of this proposal amends section 361 of the Communications Act to change the terminology of the certificates to conform to the terminology used in the Convention.

Adopted by the Commission Dec. 9, 1964. Commissioner Lee absent.